

## PATENT COOPERATION TREATY

RECEIVED

From the INTERNATIONAL SEARCHING AUTHORITY

JAN 10 2005

PCT McDERMOTT, WILL &amp; EMERY

To:  
LAWRENCE T. CULLEN  
MCDERMOTT WILL & EMERY LLP  
600 13TH STREET, N.W.  
WASHINGTON, DC 20005-3096

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT  
OR THE DECLARATION

(PCT Rule 44.1)

Date of Mailing  
(day/month/year)

07 JAN 2005

Applicant's or agent's file reference  
67392-018

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.  
PCT/US04/23518International filing date  
(day/month/year)

23 July 2004 (23.07.2004)

Applicant  
BRIGHT STAR TECHNOLOGY, INC.

1. ☒ The applicant is hereby notified that the international search report has been established and is transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

**Where?** Directly to the International Bureau of WIPO, 34, chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

**4. Reminders**

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90 *bis*.1 and 90 *bis*.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US  
Mail Stop PCT, Attn: ISA/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
Facsimile No. (703) 305-3230

Authorized officer

BINH K. TIEU

Telephone No. (703) 305-3900

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 67392-018	<b>FOR FURTHER ACTION</b>	see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.
International application No. PCT/US04/23518	International filing date ( <i>day/month/year</i> ) 23 July 2004 (23.07.2004)	(Earliest) Priority Date ( <i>day/month/year</i> ) 23 July 2003 (23.07.2003)
Applicant BRIGHT STAR TECHNOLOGY, INC.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the Report**

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☐

contained in the international application in written form.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority in written form.

☐

furnished subsequently to this Authority in computer readable form.

☐

the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐

the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☐ Certain claims were found unsearchable (See Box I).

3. ☐ Unity of invention is lacking (See Box II).

4. With regard to the **title**,

☒

the text is approved as submitted by the applicant.

☐

the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☐

the text is approved as submitted by the applicant.

☒

the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No. 1

☒

as suggested by the applicant.

☐

because the applicant failed to suggest a figure.

☐

because this figure better characterizes the invention.

☐

None of the figures

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/23518

## Box III TEXT OF THE ABSTRACT (Continuation of Item 5 of the first sheet)

### NEW ABSTRACT

A talk time managing (TTM) device (20) formed by a molded plastic cover (21) which mounts on the front faceplate (22) of a conventional standard cell phone (24). The cover (22) has side arms (26) which snap together with a strap (28), which passes around the body of phone 24 to hold cover 21 in place on the phone. The TTM device (20) further comprises a soft flexible diaphragm button (32) is mounted on cover 21 and overlies each of the "send/talk" and end keys (33) on the keypad of the cell phone and protruding through faceplate (22). A method is used with said TTM device (20) for monitoring contract usage and activity of the cell phone (24) and for detecting and monitoring each communication from selected contacts and displaying the usage information associated with the contact.

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/23518

**A. CLASSIFICATION OF SUBJECT MATTER**

IPC(7) : H04M 11/00; H04Q 7/20

US CL : 455/405, 407, 566

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 455/405, 406, 407, 566, 414.1, 418, 425; 379/111, 114.01, 114.03; 130, 131

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
Please See Continuation Sheet**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 6,138,002 A (ALPEROVICH et al) 24 October 2000, see entire reference.	1-30
X	US 2002/0151293 A1 (TYSOR) 17 October 2002, see entire reference.	1-30

☐ Further documents are listed in the continuation of Box C.☐ See patent family annex.

## \* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T"

later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X"

document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y"

document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&amp;"

document member of the same patent family

Date of the actual completion of the international search

21 December 2004 (21.12.2004)

Date of mailing of the international search report

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

BINH K. TIEU

Telephone No. (703) 305-3900

07 JAN 2005

**INTERNATIONAL SEARCH REPORT**

PCT/US04/23518

**Continuation of B. FIELDS SEARCHED Item 3:**

**WEST DATABASES SEARCHES**

accumulat\$3, exceed\$3, monitor\$3, minute, duration, period, time, display\$3, histor\$3, usage, over, limit\$3

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:  
LAWRENCE T. CULLEN  
MCDERMOTT WILL & EMERY LLP  
600 13TH STREET, N.W.  
WASHINGTON, DC 20005-3096

Date of mailing  
(day/month/year)

07 JAN 2005

Applicant's or agent's file reference

67392-018

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

PCT/US04/23518

International filing date (day/month/year)

23 July 2004 (23.07.2004)

Priority date (day/month/year)

23 July 2003 (23.07.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): H04M 11/00; H04Q 7/20 and US Cl.: 455/405, 407, 566

Applicant

BRIGHT STAR TECHNOLOGY, INC.

1. This opinion contains indications relating to the following items:

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US  
Commissioner for Patents  
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Alexandria, Virginia 22313-1450

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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US04/23518

**Box No. I Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US04/23518

**Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)

Claims NONE YES

Claims 1-30 NO

Inventive step (IS)

Claims NONE YES

Claims 1-30 NO

Industrial applicability (IA)

Claims 1-30 YES

Claims NONE NO

**2. Citations and explanations:**

Please See Continuation Sheet



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US04/23518

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

**V. 2. Citations and Explanations:**

*I/.* Claims 1-30 lack novelty under PCT Article 33(2) as being anticipated by Alperovich et al. (U.S. Pat. #: 6,138,002).

Regarding claim 1, Alperovich et al. ("Alperovich") teaches a wireless communication device comprising:

a transmitter/receiver capable of transmitting and receiving a plurality of data signals (see antenna of wireless terminal 200 transmitting data signal 210 as shown in figure 2);

a microprocessor connected to the transmitter/receiver and configured to detect a device event (i.e., incoming and/or outgoing calls), a contact associated with the device event (i.e., duration or period of time of a call), and provide contract usage indicative of the usage of the wireless communication device in association with the contract during the occurrence of the detected device event (col.4, lines 55-59); and

a display capable of displaying the contact usage information during the device event and after the end of the device event (col.4, lines 59-65).

Regarding claim 2, note col.5, lines 4-8.

Regarding claim 3, note col.4, lines 59-63.

Regarding claims 4-5, note col.5, lines 18-36.

Regarding claim 6, note col.5, lines 26-27.

Regarding claim 7, Alperovich teaches a system for monitoring contact usage comprising:

a transmitter/receiver capable of transmitting and receiving a plurality of data signals (see antenna of wireless terminal 200 transmitting data signal 210 as shown in figure 2);

a microprocessor connected to the transmitter/receiver and configured to detect a device event (i.e., incoming and/or outgoing calls), a contact associated with the device event (i.e., duration or period of time of a call), and provide contract usage indicative of the usage of the wireless communication device in association with the contract during the occurrence of the detected device event (col.4, lines 55-59);

a server configured to receive contact usage information from the wireless communication device, and allow a user of the wireless communication device to modify the information (lines 18-31); and

a billing system configured to receive billing information from the server based on the contact usage information and to generate a bill associated with the contact usage information (col.5, lines 4-5).

Regarding claim 8, note col.5, lines 4-8.

Regarding claim 9, note col.4, lines 59-63.

Regarding claims 10-11, note col.5, lines 18-36.

Regarding claim 12, note col.5, lines 26-27.

Regarding claim 13, Alperovich teaches a method of monitoring usage of a wireless communication device comprising the steps of:

detecting a device event of the wireless communication device;

monitoring usage of the wireless communication device during the occurrence of the detected event associated with a contact as contact usage; and

displaying the contact usage of the wireless communication device (col.4, lines 55-63).

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US04/23518

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

Regarding claim 14, note col.5, lines 4-8.

Regarding claim 15, note col.4, lines 59-63.

Regarding claims 16-17 and 19-21, note col.5, lines 18-36.

Regarding claim 18, note col.5, lines 26-27.

Regarding claim 22, Alperovich teaches a computer readable medium containing a program capable of causing a computer to perform a method of monitoring usage of a wireless communication device comprising the steps of:

detecting a device event of the wireless communication device;

monitoring usage of the wireless communication device during the occurrence of the detected event associated with a contact as contact usage; and

displaying the contact usage of the wireless communication device (col.4, lines 55-63).

Regarding claim 23, note col.5, lines 4-8.

Regarding claim 24, note col.4, lines 59-63.

Regarding claims 25-26 and 28-30, note col.5, lines 18-36.

Regarding claim 27, note col.5, lines 26-27.

2/. Claims 1-30 lack novelty under PCT Article 33(2) as being anticipated by Tysor (Pub. No.: US 2002/0151293 A1).

Regarding claim 1, Tysor teaches a wireless communication device comprising:

a transmitter/receiver capable of transmitting and receiving a plurality of data signals (see antenna 119 and wireless transceiver 120 of cellular phone 110 transmitting data signal to base station 116 as shown in figure 1, paragraph [0023]);

a microprocessor connected to the transmitter/receiver and configured to detect a device event (i.e., incoming and/or outgoing calls), a contact associated with the device event (i.e., duration or period of time of a call), and provide contract usage indicative of the usage of the wireless communication device in association with the contract during the occurrence of the detected device event (paragraphs [0047]-[0048]); and

a display capable of displaying the contact usage information during the device event and after the end of the device event (paragraph [0043]).

Regarding claims 2-3, note paragraphs [0033] and [0046].

Regarding claims 4-5, note paragraph [0022] and [0032].

Regarding claim 6, note paragraph [0047].

Regarding claim 7, Alperovich teaches a system for monitoring contact usage comprising:

a transmitter/receiver capable of transmitting and receiving a plurality of data signals (see antenna 119 and wireless transceiver 120 of cellular phone 110 transmitting data signal to base station 116 as shown in figure 1, paragraph [0023]);

a microprocessor connected to the transmitter/receiver and configured to detect a device event (i.e., incoming and/or outgoing calls), a contact associated with the device event (i.e., duration or period of time of a call), and provide contract usage indicative of the usage of the wireless communication device in association with the contract during the occurrence of the detected device event (paragraphs [0047]-[0048]);

a server configured to receive contact usage information from the wireless communication device, and allow a user of the wireless communication device to modify the information (i.e., MSC); and

a billing system configured to receive billing information from the server based on the contact usage information and to generate a bill associated with the contact usage information (paragraphs [0006], [0022] and [0033]).

Regarding claims 8-9, note paragraphs [0033] and [0046].

Regarding claims 10-11, note paragraph [0022] and [0032].

Regarding claim 12, note paragraph [0047].

Regarding claim 13, Tysor teaches a method of monitoring usage of a wireless communication device comprising the steps of: detecting a device event of the wireless communication device;

monitoring usage of the wireless communication device during the occurrence of the detected event associated with a contact as contact usage; and

displaying the contact usage of the wireless communication device (paragraphs [0047]-[0048]).

Regarding claim 14, note paragraphs [0033] and [0046].

Regarding claim 15, note paragraph [0022] and [0032].

Regarding claims 16-21, note paragraphs [0006], [0022] and [0033].

Regarding claim 22, Tysor teaches a computer readable medium containing a program capable of causing a computer to perform a method of monitoring usage of a wireless communication device comprising the steps of:

detecting a device event of the wireless communication device;

monitoring usage of the wireless communication device during the occurrence of the detected event associated with a contact as contact usage; and

displaying the contact usage of the wireless communication device (paragraphs [0047]-[0048]).

Regarding claim 23, note paragraphs [0033] and [0046].

Regarding claim 24, note paragraph [0022] and [0032].

Regarding claims 25-30, note paragraphs [0006], [0022] and [0033].

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US04/23518

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article," "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

#### What parts of the international application may be amended ?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

**When ?** Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments ?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

**How ?** Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

**The amendments must be made in the language in which the international application is to be published.**

#### What documents must/may accompany the amendments ?

##### **Letter (Section 205(b)):**

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

**The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.**